

RECEPTION AND MEDICAL CENTER
DATE: 7-17-23
INMATE INITIALS: JS

Supreme Court, U.S.
FILED

JUL 17 2023

OFFICE OF THE CLERK

No. 23-6364

IN THE
SUPREME COURT OF THE UNITED STATES

Luis Guridi — PETITIONER
(Your Name)

vs.

Ricky D. Dixon — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Florida Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Luis Guridi #052115
(Your Name)
Lake Butler Reception Medical Center
P.O. Box 628 West Unit
(Address)

Lake Butler Florida 32054
(City, State, Zip Code)

ORIGINAL

(Phone Number)

RECEIVED

JUL 28 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Whether Defendant is Entitled to a Denovo Sentencing Hearing with the Full Panoply of Rights at the time of Re-Sentencing such as the Right to be Present and to have Counsel Appointed on Re-Sentencing Which Constitutes a Critical Stage of the Criminal Proceedings - When the Defendant was Charged and Convicted for Second Degree Murder And was illegally Sentenced to Capital Murder - Which Constitutes an Uncharged Crime And the Sentence Imposed was not Rendered based on a Scriviner's Error or a Clerical Error or a Ministerial Act. Which Entitles the Defendant to be Resentenced under the Law Applicable at the time of the Re-Sentencing Hearing with the Full Panoply of Rights under a "Clean State" such as the Youthful Offender Act which came into effect during the Pendency of Defendants Appeal And Constitutes a "Pipe Line" Case for Youthful Offender Sentencing Making Defendants Present Detention Illegal and in Violation of Defendants Rights under the 6th and 14th Amendment Subject to Habeas Corpus Relief.

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Gideon v. Wainwright 372 U.S. 335 (1963)	3, 4
Guridi v. State 364 So.2d 872 (Fla. 3d DCA 1975)	3
Holloway v. Arkansas 435 U.S. 475 (1978)	3
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STATUTES AND RULES

§ 775.082(1) (Fla. Stat. 1975)	4
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OTHER

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the 3rd District Court of Appeals court appears at Appendix B to the petition and is

- ☒ reported at 364 So.2d 872 (Fla.3rd DCA 1978); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was May 11th 2023
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional and/or Statutory Provisions involved are Defendants btr and 14th Amendment Rights to be Present With Appointed Counsel On Any New Sentence Imposed by the Court based on a Successful Appeal - Where the decision Rendered on Appeal Requiring Re-Sentencing is not Based on a Scriviner's or Clerical Error or a Ministerial Act - And The Court is Required to Exercise its discretion as to the Minimum and Maximum Possible Penalty Which Could be Imposed by the Court upon Re-Sentencing based on a "Clean Slate". See Gideon v. Wainwright 372 U.S. 335 (1963); Memphis v. Ray 389 U.S. 128 (1967) and Holloway v. Arkansas 435 U.S. 475 (1978) Defendant is entitled to be Re-Sentenced With Counsel Appointed and to be present before the Court to Raise Any Pertinent Questions of Law and Facts Applicable Which the Court may take into Consideration When Imposing the New Sentence by the Court. This Case is of Exceptional Circumstances Which Requires Immediate Resolution by the U.S. Supreme Court.

STATEMENT OF THE CASE

On August 14th 1975 Defendant Herein After Mr. Guridi was arrested and there After charged by Information on September 10th 1975 With 2nd Degree Murder Pursuant to Fla Stat § 782.04(2)

On January 13th 1976 Mr. Guridi was Convicted of 2nd Degree Murder and Sentenced Under 1st Degree Murder Sentencing Scheme to a Period of Life With 25 years Minimum Mandatory See § 782.04(1) and § 775.082 and Constitutes an Illegal Sentence upon an Uncharged offense.

On December 5th 1978 The Third District Court of Appeals Reversed and Remanded for Correction of Sentence as the Sentence Imposed Exceeded the Statutory Maximum Penalty Which Could be Imposed by Law for a Second Degree Murder Conviction under Florida Law. See Guridi v. State 364 So.2d 872 (Fla. 3rd DCA 1978) On January 15th 1979 Petitioner was Resentenced Nunc Pro Tunc In Chambers Without Appointed Counsel or Mr. Guridi being Present in Open Court during Resentencing. On 10-17-2002 Petitioner Received Information from Respondent ~~Indicating~~ he was Re-Sentenced Without being Present or Counsel Appointed On January 15th 1979 By the Honorable Judge Richard Fuller In violation of Mr. Guridi's Protected Rights Under the 6th and 14th Amendment of the United States Constitution Which entitles Mr. Guridi to Habeas Corpus Relief to Be Re-Sentenced in the Present Case. (Also see Order Rendered On April 12, 2021 Case No # SC21 364-Appendix-D)

1. Attached Appendix - C

REASONS FOR GRANTING THE PETITION

This Court Should Grant the Writ of Certiorari to maintain Uniformity of Law throughout the United States as the Florida Courts decisions are Contrary to or in Direct Conflict With United Supreme Court decisions and Constitutes or Presents a Question of Great Public Importance Which is Ripe for Consideration by the U.S. Supreme Court

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Luis Guindi

Luis Guindi Dct#052115

Date: 7-17 2023